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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 13

May 7, 1996

No. 17

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WEEK IN REVIEW

HOUSE

conference committee appointed

Representatives Ron Townsend, Harry Stille, and Lewis Vaughn were appointed as conferees on S. 1117, also known as the "Public School Facilities Assistance Act." The bill distributes \$70 million dollars of school construction and renovation money collected from the disposal of low level radioactive waste in the state. Senators adopted a distribution formula based fifty per cent on a school district's need for projects, twenty-five per cent on a district's effort to meet these needs for themselves, and twenty-five per cent on a district's wealth as reflected in the Education Finance Act (EFA) funding formula. The House proposed a formula based sixty per cent on the number of students in a school district, and forty per cent on a district's wealth as reflected in the EFA formula.

concurrence in Senate amendments, to be ratified

H. 3140 originally deleted the requirement that the State Board of Voting Machine Commissioners furnish a model at each polling place to teach voters how to use voting machines. The bill was amended to allow illustrations in the place of model machines. H. 3268 provides that the murder of a witness during any stage of the criminal process, is an aggravating circumstance which may result in the imposition of the death penalty. H. 3858 authorizes family court judges to suspend or restrict the driver's license of a juvenile delinquent. H. 4159 originally prohibited the distribution of Bingo profits to out-of-state charities. Senators amended the bill to provide for a complete revision of Bingo laws. It now is similar to H. 4557, which passed the House and currently is in the Senate Finance Committee. Designed to ensure that charities and the state get promised profits, the bill requires that operators pay 16.5% of each card's face value. License fees will vary according to expected collections, and may provide an additional \$7 million dollars annually. H. 4701 authorizes financial institutions to open new accounts at public events, such as trade shows, and at businesses, such as grocery stores. The Senate amendment concerns examination fees paid by financial institutions. H. 4801 provides that a candidate who has a current statement of economic interest on file with his supervisory office does not have to file a similar statement when declaring his candidacy or submitting a petition for nomination. H. 4830 enacts the "Uniform Limited Liability Company Act." The bill revises state guidelines for limited liability companies, and conforms these to recent federal regulatory changes. It also permits disclosure of taxpayer records to the Secretary of State under certain conditions.

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nonconcurrence in Senate amendments, to conference committee

S. 1315 revises the South Carolina/Georgia border based on North American Datum 1927. Earlier the House amended the bill to provide that 1996 candidates for sheriff do not have to submit a fingerprint review until forty-five days before the November election. Many candidates were unaware of the need to do so, and have missed the current deadline. However, the Senate deleted the provision concerning sheriff's candidates, preferring instead to submit separate legislation (**S. 1380**) to rectify these concerns. That bill received third reading in the Senate last week.

nonconcurrence in Senate amendments, returned to the Senate

H. 3228 provides that both custodial and noncustodial parents are entitled to participate in their children's school activities unless prohibited by a court order. Senators amended the bill to provide that the court may not restrict a custodial parent from moving anywhere in the state without a compelling reason. Representatives deleted that provision and returned the measure to the Senate. **H. 4585** provides that no insurance policy containing drug coverage shall exclude experimental drugs used in treating cancer which have not been specifically approved for that purpose by the federal Food and Drug Administration (FDA) when these drugs have been advocated as successful treatments by at least two medical journals. Senators amended the bill to require payment for drugs used in organ transplants as well. The House amendment tidied up the language, without making major changes.

received third reading, to be ratified

S. 501 provides that a local government may not impose a moratorium on a permitted construction project without first publishing a two-week notice in a local newspaper. The measure also requires at least two readings be held a week apart before the moratorium may be imposed. **S. 1122** extends through July 1, 1996 the deadline for applying for agricultural use valuation for property tax year 1995. **S. 1226** enacts the "Alzheimer's Special Care Disclosure Act." The bill requires that any facility licensed to offer an Alzheimer's special care unit include in its policies and procedures the form of care provided that is specific to treatment of Alzheimer's Disease. This measure is similar to **H. 4702** which passed the House and now is in the Senate Medical Affairs subcommittee. **S. 1278** deletes the executive director of the Criminal Justice Academy as a member of the Commission on Prosecution Coordination. Instead the director of the Department of Public Safety would serve in his place. **S. 1361** repeals risk classifications and territories for auto insurance. Rather than promulgated in its agency regulations, the Department of Insurance prefers that these plans be established by order instead. A similar bill, **H. 4956**, earlier passed the House and has been assigned to the Senate Banking and Insurance Committee.

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received third reading, amended, returned to the Senate

S. 571 concerns sales tax exemption certificates used in making various tax exempt purchases. The bill deletes the requirement that the purchaser sign the invoice. **S. 642** enacts the "Motor Vehicle Financial Responsibility Act." It alters renewal procedures for self-insurer certification for fleets containing more than twenty-five vehicles. The House amendment provides that financial statements must be prepared by certified public accountants. **S. 774** provides that the five per cent surcharge on rental vehicles is a sales tax which must be kept in a segregated account. This revenue is not subject to creditor liens by the renter or rental company. The House amendment exempts the surcharge from liens by airports. **S. 949** provides students with a fourth opportunity to pass the Education Entrance Examination (EEE) this year. A similar bill, **H. 4453**, is on the contested calendar for second reading in the House. **S. 1033** requires that the Attorney General establish a youth mentor program which combines church and community resources. Participation in the program may be ordered by the Family Court as a pretrial diversion option, as an alternative case disposition for nonviolent offenders, or as a condition of probation. The bill is similar to **H. 4900** which remains in the House Judiciary Committee. **S. 1043** requires health maintenance organizations (HMO's) to pay for hospital stays of up to two days after vaginal deliveries and three days after caesarian sections. **S. 1195** enacts the "Higher Education Accountability Act." The bill authorizes the Commission on Higher Education to reduce duplication and to coordinate services in the state's higher education system by expanding, reducing, or eliminating programs. Funding for institutions would be conditional upon meeting specific performance standards set by the Commission. Representatives amended this measure to reflect provisions included in the House version, **H. 4637**, which is on the Senate calendar for second reading.

received third reading, sent to the Senate

H. 4343 provides for a referendum allowing voters to determine whether to abolish the Office of Secretary of State. Duties of the office would be divided among the Governor's Office, the Attorney General's Office, and other state agencies. Savings are estimated to be \$300,000. **H. 4871** is the bill which stipulates how the duties of the Office of Secretary of State would be divided. The measure proposes that the ministerial duties would be vested in the Governor's Office. The Department of Commerce would be responsible for chartering corporations and registering trademarks. Elections activities would become part of the State Election Commission, while regulation of charities would rest with the Attorney General's Office along with duties related to service of process for out of state corporations. **H. 4447**, concerning public school attendance, provides that a child could attend a South Carolina public school only if he lives with a parent or legal guardian who is a resident of that school district. The bill includes a grandfather clause providing that a child who currently owns property assessed for at least three hundred dollars (\$300) in a school district, may continue to attend school in that district. **H. 4522** prohibits the clerk of court from charging a fee for filing a petition for an order for protection from domestic abuse. The bill also provides that no mutual order of protection may be granted unless both parties consent, or the court believes there is need for such an order. **H. 4545**, concerning electric utility's costs, requires that the Public Service Commissioner review and set fuel costs, which may be recovered from customers. These reviews would be done every twelve months rather than every

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six as is done currently. The bill allows a utility to include air pollution control devices as part of fuel costs rather than capital costs. Also, an electric utility operating a nuclear power plant at ninety per cent net capacity would be required to make every reasonable effort to minimize the cost of operating the facility. H. 4546 allows an electric utility to sell or transfer property without a hearing before the Public Service Commission, which is currently required. H. 4670 relates to unlawful neglect of children and helpless persons. The bill expands the categories of persons caring for children or helpless persons to include persons living in caretakers' homes and/or having recurring access to the children or helpless persons. Also included are those who have been given responsibility for supervising children or helpless persons. H. 4686 enacts the "South Carolina Credit Union Act." The measure establishes parity between state and federal credit unions. It preserves state chartered credit unions, and updates laws governing their activity. The bill also provides for review of records every two years. In addition, loans of more than fifty thousand dollars (\$50,000) would require certified appraisal, while those less would require only inspection. H. 4765 updates the state's controlled substance schedule for depressant drugs, bringing the law into conformity with federal Food and Drug Administration (FDA) standards. H. 4782 shields registered mortgage loan brokers from civil liability for third party violations of the Federal Truth in Lending Act, and establishes provisions for satellite offices and registration fees. H. 4795 stipulates that a creditor providing a real estate loan notify the borrower in writing of its preference of attorney. H. 4838 allows a driver who commits a traffic violation in another state to produce a canceled check as proof of payment of the fine. H. 4861 creates the Real Estate Commission under the administration of the Department of Labor, Licensing, and Regulation. It conforms this Commission to a uniform framework for the organization and operation of other professional and occupational boards. H. 4902 enacts the "South Carolina Transportation Infrastructure Bank Act." The proposed legislation creates the bank to make loans and to provide other public transportation facilities. H. 4959 addresses the issue of consensual teenage sex. The bill provides that a person is guilty of criminal sexual conduct in the second degree when the victim is a minor between fourteen and sixteen years old and there is more than four years difference in their ages. Violators could be sentenced to twenty years. If there is less than four years age difference, an offender is guilty of sexual misconduct with a minor, which is a misdemeanor. He must be imprisoned not more than three years, rather than the current twenty years. H. 4973 approves regulations of the Commissioners of Pilotage for the Port of Charleston. The regulations strengthen the authority of bar and harbor pilots during docking maneuvers, and increase registration fees. H. 4979 authorizes revision of existing capital improvement bonds to provide \$400,000 for the Cheraw State Fish Hatchery and nearly \$1.5 million dollars for the Turbeville Correctional Institution.

concurrent resolution adopted

Representatives approved H. 4982 which congratulates Hootie and the Blowfish for bringing recognition to South Carolina through their music. H. 4994 sets 12:00 noon on Wednesday, May 29th as the time to elect two circuit court judges and a family court judge.

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received second reading

S. 1293 provides that a crime victim receive a free copy of the incident report pertaining to his case. The ten dollar (\$10) fee for this document would be paid by the offender. The bill also addresses restitution payments and hearings. It permits the Attorney General or his designee to attend these hearings. The House version of this measure, **H. 4657**, also received second reading in the House last week.

tabled

Representatives tabled **H. 4848** which provides that the five per cent surcharge on rental vehicles is a sales tax which is not subject to liens. The bill was killed because a similar measure, **S. 774**, which received third reading in the House last week, was enrolled for ratification.

continued

The House continued **H. 4394** which authorizes each school district to designate one employee to receive training in conflict resolution and peer mediation. The training would be offered through the State Department of Education as in-service training. That employee would in turn train other district employees in these techniques.

recommitted

S. 517 was recommitted to the Ways and Means Committee. The bill affects a person who leaves employment with the state after ten but before twenty years of service. Under the measure, if this person is rehired by the state within five years after leaving, he may have leave benefits reinstated to reflect full credit for the number of years worked. **H. 3812** was recommitted to the Judiciary Committee. The joint resolution calls for a voter referendum to determine whether state and local governments should prohibit hiring or awarding contracts based on a person's or group's race, sex, color, ethnicity, or national origin. **H. 4340** was recommitted to the Agriculture, Natural Resources, and Environmental Affairs Committee. The bill provides for a special guest fishing license, permitting fishing from inland docks only by a person without a current fishing license. Property owners would pay fifty dollars (\$50) annually for the license which must be posted on the dock. **H. 4785** also was recommitted to the Agriculture Committee. This measure conforms the organization and operation of the state board of veterinarians with professional and occupations boards. **H. 4810** was recommitted to the Judiciary Committee. Concerning entrapment, the bill prohibits underage undercover agents from attempting to purchase alcohol from an establishment unless there is documentation of at least two instances in which the business sold these beverages to minors.

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recalled

S. 1176, which enacts the "South Carolina Credit Union Act of 1996," was recalled from the Labor, Commerce, and Industry Committee. The bill provides for the organization, operation, and supervision of cooperative nonprofit thrift and credit associations known as credit unions. The House version of this bill, **H. 4686**, received third reading in the House last week and was sent to the Senate for consideration. **S. 1358** was recalled from the Judiciary Committee. The bill provides that the Department of Revenue rather than the State Treasurer will administer provisions of the "Uniform Unclaimed Property Act." **S. 1361** was recalled from the Labor, Commerce, and Industry Committee. The joint resolution approves regulations of the Department of Insurance concerning auto insurance. The regulations repeal risk classifications and territories. Rather than promulgated in agency regulation, these provisions would be established by order instead. A similar bill, **H. 4956**, passed the House and is now in the Senate Banking and Insurance Committee. **S. 1395** was recalled from the Judiciary Committee. The bill provides that municipalities which did not adopt one of four specified forms of government within fifteen months after December 31, 1977, are considered to have forfeited their articles of incorporation. These articles would not be reinstated until the municipalities certify to the Secretary of State which forms of government they adopted. **H. 3827**, concerning auto insurance, was recalled from the Labor, Commerce, and Industry Committee. The measure limits rates charged by the reinsurance facility. **H. 3931** also was recalled from the Labor, Commerce, and Industry Committee. The bill provides for a presumption of total and permanent disability due to a fifty per cent or more loss of use of the back. Among other provisions included in the measure is a stipulation that mental illness resulting from work-related stress is not compensable.

contested

Three bills were placed on the contested calendar for second reading last week. **S. 21** legalizes the practice of tattooing for nonmedical purposes. An amendment to the bill prohibits tattooing of the neck and head. **H. 4477** requires vehicles driven by a person without a license to be impounded at the driver's expense. The measure provides for different impoundment periods for a first, second, and third offense. It also establishes a thirty day grace period after license expiration during which a vehicle would not be impounded. **H. 4712** increases the penalty for a third or subsequent offense of cruelty to animals. Currently an offender may be fined up to two thousand dollars (\$2,000) and imprisoned up to two years. This bill provides that a third or subsequent offense is a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000) and a sentence of not more than three years. A similar bill, **S. 1263**, passed the Senate and was assigned to the House Agriculture, Natural Resources, and Environmental Affairs Committee last week.

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SENATE

budgets

Senators approved their version of the \$4.4 billion dollar 1996-97 budget and the supplemental budget as well. The budget includes \$20 million dollars for a three year phase in of an optional all day kindergarten for five year olds. Governor David Beasley's voucher plan was struck down. The House did not include any funding for an all day program. The Senate also voted to provide \$29 million dollars to improve conditions at the Department of Juvenile Justice, as ordered by a federal court judge. The money would be used to increase staffing and provide alternative treatment programs. The budget also continues the current level of property tax relief so that in most cases the first \$100,000 of a home's value would be exempted from property taxes. However, Senators changed the formula for distributing the relief. Rather than based on a home's value and the taxes levied by that school district, the formula is determined by a county's population as reflected in the 1990 census. Also included in the budget is a 3.4% pay raise for state employees beginning October 1st, while Representatives approved a 2.4% raise to begin at the same time. Both plans provide a 3.4% pay raise for teachers, and provide \$20 million dollars to provide telecommunication technology in public school. Prison guards would see a 12% pay raise. In addition, the Senate approved \$1.8 million dollars to hire and train new troopers. Senators agreed to carry forward the \$1.4 million dollars the state is giving Converse College to provide the Women's Leadership Program, allowing the Citadel Corps of Cadets to remain all-male. An independent state audit was approved at a cost of \$2 million dollars in the supplemental budget. Any savings from the audit would be placed into the "Taxpayers' Dividend From Good Government Fund," and applied to property tax relief. Finally, parents of children under six years old would get a \$4,200 exemption on state income taxes, rather than the current \$3,600.

conference committee appointed

Senators McKinley Washington, Holly Cork, and Greg Ryberg were appointed as conferees to S. 1315. This bill originally revised the South Carolina/Georgia border based on North American Datum 1927. However, the House amended the bill to provide an extension for candidates for sheriff to submit required fingerprint reviews. The Senate removed the amendment, but introduced separate legislation (S. 1380) addressing the fingerprint reviews. That bill received third reading in the Senate last week.

concurrence in House amendments, to be ratified

S. 642 enacts the "Motor Vehicle Financial Responsibility Act." The measure alter renewal procedures for self-insurer certification for fleets containing more than twenty-five vehicles. **S. 774** provides that the five per cent surcharge on rental vehicles is a sales tax which must be kept in a segregated fund. This revenue is not subject to creditor liens by the renter, the rental company, or an airport.

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nonconcurrence in House amendments, amended, returned to the House for concurrence

S. 507 provides that a person applying to operate a private detective business must meet the same qualifications as those applying to become a private detective. The House amendment authorizes retired commissioned law enforcement officers to carry weapons. **S. 1195** enacts the "Higher Education Accountability Act." The bill authorizes the Commission on Higher Education to reduce duplication, and coordinate services in the state's higher education system by expanding, reducing, or eliminating programs. Funding for institutions would be based on meeting specific performance standards. **S. 1315** revises the South Carolina/Georgia border based on North American Datum 1927. The House amended the bill to provide that 1996 candidates for sheriff would not have to submit a fingerprint review until forty-five days before the November election. Many candidates were unaware of this requirement and missed the current deadline. However, the Senate deleted the provision for these candidates. Instead Senators gave third reading to **S. 1380**, which is separate legislation to address that concern.

received third reading, to be ratified

H. 3864, concerning bankruptcy, is a technical revision deleting a reference to the Federal Bankruptcy Reform Act. **H. 4341** authorizes the court to order a juvenile delinquent's parents to reimburse the court-ordered attorney or the indigent defense fund. **H. 4407** provides for an additional member of the Board of Commissioners of the School for the Deaf and Blind. This at-large member would be appointed by the Governor to represent the public. **H. 4462** combines the current two-tier pesticide registration fee schedule into a single fee. Currently the fee for nonrestricted use pesticides is sixty dollars (\$60), while the fee for restricted use pesticides is one hundred dollars (\$100). This bill creates a basic fee of one hundred dollars (\$100) for all pesticides, regardless of the application. **H. 4490**, concerning auto insurance reform, repeals the mandate to write physical damage coverage for safe drivers in order to reduce reinsurance facility rates. **H. 4660** extends the current tax exemption on insurance premiums to include worker's compensation premiums provides by companies which insure only churches. **H. 4750** approves regulations of the Department of Health and Human Services which establish two distinct sets of criteria concerning long-term care services. **H. 4751** approves regulations concerning Medicaid provider hearings about overpayments. **H. 4847** provides that probation is a form of clemency. The measure requires that the director of the Department of Probation, Parole, and Pardon Services develop supervision policies and procedures. **H. 4896** revises regulations of the apprenticeship program for pilots at Port Royal. **H. 4957** provides for the issuance of "Public Education: A Great Investment" license plates. These two year tags would cost fifty-four dollars (\$54). Twenty dollars (\$20) of the fee would be applied toward buying computers for classrooms. The other thirty-four dollars (\$34) would be sent to local school districts, which would determine how the money could be spent best.

received third reading, amended, returned to House for concurrence

H. 3140 originally deleted the requirement that State Board of Voting Machine Commissioners furnish a model at each polling place to teach voters how to use voting machines.

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The bill was amended to allow illustrations in the place of actual machines. H. 3228 provides that both custodial and noncustodial parents have the right to participate in their children's school activities unless prohibited by a court order. Senators amended the bill to provide that the court may not restrict a custodial parent from moving anywhere in the state without a compelling reason. H. 3268 provides that the murder of a witness during any stage of the criminal process, is an aggravating circumstance which may result in the imposition of the death penalty. H. 3858 authorizes family court judges to suspend or restrict the drivers' licenses of juvenile offenders in certain circumstances. H. 3909 provides that no subcontracting architect, engineer, land surveyor, landscape architect, or their employees are liable for injury resulting from the contractor's failure to comply with safety standards on a construction project. However, the immunity does not apply to negligent preparation of design plans or specifications. H. 3962, concerning judicial reform, provides that candidates be nominated by a Judicial Merit Selection Commission. The measure raises the minimum age of candidates from twenty-six to thirty-two years old. It also provides that candidates must receive a majority vote of both the Senate and the House, rather than a majority of the General Assembly. H. 4136 provides confidentiality for anonymous HIV testing. H. 4430 enacts the "School Crime Report Act." The bill provides that all school-related crime be reported to the Attorney General's Office. It also authorizes the expulsion of students convicted of violent crimes, as well as those involving weapons. In addition, the measure authorizes the Attorney General to represent school districts in appeals court. H. 4502 prohibits same-sex marriages, and provides that such marriages performed in other states will not be recognized in South Carolina. H. 4676 revises Bingo laws. Originally, the measure defined a "nonprofit organization" as one that is organized and operated exclusively for charitable, religious, or fraternal purposes. However, the bill was amended by Senators to address the issuance of licenses and hiring practices instead. Currently an organization may not hire or be run by a person convicted of a felony, gambling offense, criminal fraud, or a crime carrying a sentence of two or more years. This bill requires that these offenses not be within the last twenty years. H. 4716 subjects foreign beer brewers and their distributors to the same laws which govern agreements between their domestic counterparts. H. 4830 enacts the "Uniform Limited Liability Company Act." The bill revises state guidelines for limited liability companies, and conforms these guidelines to recent federal regulatory changes. It also permits for disclosure of taxpayer records to the Secretary of State under certain conditions.

received third reading, sent to House

S. 163 expands the powers of the State Grand Jury by authorizing the investigation of crimes concerning the environment and insurance fraud. S. 660 enacts the "Driver's Privacy Protection Act." Concerning material exempted from the Freedom of Information (FOI) Act, the measure contains provisions restricting release of personal information relating to motor vehicle registration records. It also provides for abuse of such material. A person convicted of harassment must be fined two hundred dollars (\$200), imprisoned for thirty days, or both. Anyone convicted of stalking must be fined one thousand dollars (\$1,000), imprisoned one year, or both. S. 774 provides that the five per cent surcharge on rental vehicles is a sales tax which must be kept in a segregated fund. This revenue is not subject to creditor liens by either the renter or the rental company. S. 1100 requires that the Secretary of State monitor all elected or appointed state boards, commissions, and judicial offices to determine when vacancies occur. The measure also

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requires that he publicize these vacancies, and that a person not seeking re-election notify the joint committee to review candidates at least thirty days prior to the last filing day for that office or position. S. 1173 provides that driving with an expired license plate is illegal, and subject to the same penalty as driving without a license tag. Violators may be fined up to one hundred dollars (\$100), or imprisoned for up to thirty days. S. 1255 establishes deer hunting season in Game Zone 5. S. 1260 relates to the transfer of a domestic animal to an animal shelter. The measure provides that the person boarding the animal must notify the owner of the impending transfer of the animal by certified mail within ten days of the date the animal was to have been picked up. The bill also provides that an owner who abandons an animal and refuses to pay boarding fees is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200) or a sentence of not more than thirty days. S. 1261 increases the maximum fine for a first offense of ill-treatment of animals from four hundred (\$400) to five hundred dollars (\$500). It also provides that offenders may be subject to both a fine of one hundred (\$100) to four hundred dollars (\$400), and a sentence of up to sixty days. The bill provides that a second offense is a felony which may be tried in municipal court, and increases that maximum sentence from two years to five years while the maximum fine increases from two thousand (\$2,000) to five thousand dollars (\$5,000). Another provision included in the bill provides that animal cruelty is a felony instead of a misdemeanor, and increases the sentence from two years to five years. However, penalties would not be mandatory. In addition, the bill provides that fowl are included in these provisions. S. 1263 revises animal cruelty laws, and provides that offenses may be tried in municipal court as well as magistrate's court. The measure includes fowl in these provisions, and requires that an offender forfeit ownership of the animal or fowl and pay medical and boarding expenses. S. 1266 prohibits the Department of Natural Resources from providing a break in deer hunting season on private lands in Game Zone 4. Nor may the Department close any part of the season in which firearms are allowed on private lands. S. 1380 provides that candidates for sheriff do not have to submit required fingerprint reviews until forty-five days after filing, rather than sixty days before the close of qualification. This bill does not apply to incumbents. S. 1386 provides that, under certain conditions, an authorized sign or poster may be placed within a right-of-way if it is not put on a utility pole or placed where it would obstruct motorists' view of the intersection. S. 1395 provides that a municipality which did not adopt one of four specified forms of government within fifteen months after December 31, 1977, are considered to have forfeited its articles of incorporation. These articles would not be reinstated until it certifies to the Secretary of State which form of government was adopted.

concurrent resolution adopted

Senators approved H. 4982 which congratulates Hootie and the Blowfish for bringing recognition to South Carolina through their music.

received second reading

S. 962 enacts the "Child Bicycle Safety Act." The measure requires that a child under sixteen years old must wear a safety helmet when either operating or as a passenger on a bicycle. A child under forty pounds or forty inches tall must be placed in a restraining seat or trailer towed

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behind the bicycle. While not to do so would not constitute negligence on the part of the parent, a parent would be guilty of a misdemeanor which carries a thirty dollar (\$30) fine. These fines would be placed in the "Bicycle Safety Fund," which is established in the bill. It also provides safety programs and assistance to low income families who cannot afford to purchase helmets. S. 1167 provides that information regarding juvenile offenders must be provided to their victims, whether the crime was violent or not. S. 1168 requires that real estate agents take sixteen hours, rather than the current eight hours, of continuing education every two years to remain certified. Four of those hours, rather than the current two, must include instruction on changes in federal and state laws. S. 1322 provides for a referendum concerning the length of the legislative session. Voters would be asked if after convening in January each year, the Senate and the House should be allowed to meet in committees for a period to be determined by each body. The joint resolution is designed to speed up the legislative process by passing bills more quickly through committees and onto the calendars. H. 3373 provides that one-half of all fines collected for cruelty to animals must be awarded to any local nonprofit animal humane organization involved in the prosecution of the violation. If none, then the fine would be distributed as provided by law. H. 3915 originally revised the membership of the Commission on Higher Education, and provided for the transfer of credits between institutions. However, the Senate amended the bill to provide for leasing the Medical University of South Carolina to Columbia/HCA. H. 4663 provides that bail is discretionary for certain offenses. H. 4737 reauthorizes Educational Television (ETV), and revises qualifications for serving on the ETV Commission. The measure also establishes the Information Technology Advisory Council, and requires that the Budget and Control Board (B&C) approve requested information technology equipment. In addition, ETV would be required to implement a marketing plan, increase revenue generated by regional stations, and privatize its daycare facility. Also, the effectiveness of instructional television would be evaluated.

special order

H. 3838, concerning workers' compensation, originally provided for a presumption of total and permanent disability in cases where there is a fifty per cent or more loss of the use of the back. The bill was amended to become a broader revision of workers' compensation laws. It provides that in most cases work-related stress is not compensable, and establishes terms under which temporary disability payments may be terminated.

recalled

H. 4743 was recalled from the Agriculture and Natural Resources Committee. The bill authorizes a candidate for director of a watershed conservation district to declare his candidacy with the State Election Commission, rather than by submitting a nominating petition.

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COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

Neither the full committee nor any subcommittees met last week.

EDUCATION AND PUBLIC WORKS

The Primary and Secondary Education Subcommittee reported favorably on **S. 1071** which would allow school districts to approve their own exemptions from physical education for medical or religious reasons. Under the bill, students who obtain such exemptions would be encouraged by the district to take alternative courses in health education or lifestyle modification. The subcommittee also recommended that eleven Department of Education regulations be repealed. Most of these regulations repeat language found in statutes or elsewhere in the regulations. Their proposed repeal comes as part of a department initiative to reduce redundancy in education regulations.

The Motor Vehicle and Highway Safety Subcommittee amended and reported out **H. 4112** without recommendation. The bill requires the Department of Transportation to collect information on each one hundred meter stretch of highway where two or more traffic accidents have occurred and use the information to develop a safety improvement plan. As originally drafted, the bill required the study to reference mile markers. The subcommittee's amendment allows data to be collected using other references on secondary roads which do not have the mile markers found on interstate highways.

JUDICIARY

Committee members reported favorably on four bills last week. **S. 1033** authorizes the Attorney General's Office to establish a Youth Mentor program combining church and community resources. Participation in the program may be ordered by the Family Court as a pretrial diversion option of as an alternative case disposition for nonviolent offenders. This bill is similar to **H. 4900** which remains in the House Judiciary Committee. **S. 1164**, concerning intestate succession, provides that the probate court may limit or deny survivor benefits to an estranged parent who has refused to reasonably support his child. **S. 1278** deletes the Executive Director of the Criminal Justice Academy as a member of the Commission on Prosecution Coordination. Instead the Director of the Department of Public Safety will serve on the Commission. **S. 1345** provides that the Hunley Commission is exempt from the state procurement code. The measure also authorizes the Commission to sign an agreement which gives South Carolina permanent custody of the Confederate submarine sunken off the coast of Sullivan's Island. However, the federal government would retain the title to the Hunley.

The Judiciary Committee also approved basic health and safety regulations of the Department of Health and Environmental Control (DHEC) which regulate abortion clinics in the

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state for the first time. The regulations require that women provide the fathers' names. That information would be available to DHEC. Also, no phase in period is provided for in the joint resolution. If the measure is not adopted by the General Assembly by May 23rd, the regulations automatically go into effect in late June.

LABOR, COMMERCE, AND INDUSTRY

The Labor, Commerce and Industry Committee gave a favorable report to **S. 1054**, as amended. The bill allows joint power agencies to sell limited amounts of excess power wholesale and build certain distribution projects without approval from the Public Service Commission. The committee tabled **S. 1269** which would give the Secretary of State discretion in renewing the license for a private personnel agency after the renewal deadline has passed.

The Labor and Commerce Subcommittee amended and reported favorably on **S. 506** which provides that when a subcontractor represents himself as having workers' compensation insurance to a contractor, the contractor is relieved of responsibility for all claims filed by the employees of a subcontractor who turns out to be uninsured. In such a case where a subcontractor has misrepresented himself and turns out to be uninsured, the contractor is obligated to pay the claims of the subcontractor's employees and the Uninsured Employers' Fund is obligated to reimburse the contractor. The subcommittee also amended and reported favorably on **S. 35** which creates a Privatization Policy Board to determine whether services currently provided by a state agency might be provided more efficiently by the private sector or by contract with another state agency. The amendment adopted by the subcommittee withholds from the ten members of the proposed board the standard mileage, per diem, and subsistence payments.

The Life, Accident and Health Insurance Subcommittee gave an unfavorable report to **H. 4671** which allows any provider of medical services who has not been paid by a patient to place a lien on sums recovered by that patient against liable third parties.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee held no committee or subcommittee meetings during the past week.

WAYS AND MEANS

Neither the full committee nor any subcommittees met last week.

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BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S. 1197 SHAD NETS ON THE SAVANNAH RIVER Sen. Drummond

The proposed legislation requires that a nonresident owning or operating a shad net in the Savannah River be licensed. Violators would be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25), or a sentence of not more than thirty days. Other measures included in the bill revise several current fishing and wildlife provisions, such as licensing and the hunter education program.

S. 1209 OYSTER PLANTING AT SULLIVAN'S ISLAND Sen. Richter

The bill repeals an exclusive right granted in 1843 to plant oysters at the northeastern end of Sullivan's Island.

S. 1255 DEER HUNTING IN GAME ZONE 5 Sen. Holland

The measure establishes deer hunting season in Game Zone 5.

S. 1260 TRANSFER OF DOMESTIC ANIMALS Sen. Leventis

The bill provides that a person boarding an animal must notify the owner of impending transfer of the animal to an animal shelter. The notification must be by certified mail within ten days of the date the animal was to have been picked up. The measure also provides that an owner who abandons an animal and refuses to pay boarding fees is guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200), or a sentence of not more than thirty days.

S. 1261 ILL-TREATMENT OF ANIMALS Sen. Leventis

The proposed legislation increases the maximum fine for a first offense of ill-treatment of animals from four hundred dollars (\$400) to five hundred dollars (\$500), and provides that violators may be subject to both a fine of one hundred (\$100) to four hundred dollars (\$400) and a sentence of up to sixty days. The bill makes a second offense a felony which may be tried in municipal court. It also increases the maximum sentence from two years to five years, and the maximum fine from two thousand dollars (\$2,000) to five thousand dollars (\$5,000). The measure provides that animal cruelty is a felony instead of a misdemeanor, and increases the sentence from two years to five years. However, penalties would not be mandatory. Also, the measure would apply to fowl as well as animals.

S. 1263 ANIMAL CRUELTY Sen. Leventis

The measure revises animal cruelty laws, and provides that offenses may be tried in municipal court as well as magistrate's court. It stipulates that fowl are included in these provisions, and requires that an offender forfeit ownership of the animal as well as pay medical and boarding expenses.

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S. 1266 DEER HUNTING SEASON IN GAME ZONE 4 Sen. Gregory

The bill prohibits the Department of Natural Resources from providing a break in deer hunting season on private lands in Game Zone 4. Nor may the Department close any part of the season in which firearms are allowed on private lands in that game zone.

H. 4981 HUNTING MIGRATORY WATERFOWL Rep. Wilkes

The measure prohibits hunting migratory waterfowl on Lake Wateree within two hundred yards of a residence without written permission of the owner. Violators would be guilty of a misdemeanor punishable by a fine of not more than two hundred dollars (\$200), or a sentence of not more than thirty days.

EDUCATION AND PUBLIC WORKS

S. 1173 NONCURRENT LICENSE PLATES Sen. Boan

This bill provides that noncurrent license plates from this or any other state must not be attached to the outside front of a vehicle.

S. 1366 TRANSPORT OF HOUSEHOLD GOODS AND HAZARDOUS WASTE Sen. Holland

This bill makes it a misdemeanor for anyone to operate as a carrier of household goods or hazardous waste for disposal without proper licensing or certification.

JUDICIARY

S. 163 STATE GRAND JURY Sen. Leventis

This bill expands the powers of the State Grand Jury by authorizing the investigation of crimes concerning environmental laws and insurance fraud.

S. 556 VOTER REGISTRATION Sen. Russell

The measure authorizes the voter registration of a person not yet eighteen years old, but who will become eighteen years old before the next general election.

S. 562 TRANSFER OF LEGISLATIVE DELEGATION POWERS Sen. Rose

The bill provides that certain powers of legislative delegations may be vested in county governing bodies upon mutual approval and notification of the Code Commissioner.

S. 583 VOTER REGISTRATION Sen. Russell

The proposed legislation calls for a referendum to amend the State Constitution to provide that a person not yet eighteen years old, but who will become eighteen before the next general election, may be allowed to register to vote in that election.

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S. 660 "DRIVER'S PRIVACY PROTECTION ACT" Sen. Cork

The measure deletes the exemption of vehicle registration records from the Freedom of Information (FOI) Act. It provides restrictions regarding the release and use of certain personal information in those records, and penalties for abuse of such information. For harassment, violators must be fined two hundred dollars (\$200), imprisoned thirty days, or both. Stalkers must be fined one thousand dollars (\$1,000), imprisoned one year, or both.

S. 704 TRESPASSING ON RAILROAD TRACKS Sen. Land

The bill provides that trespassing on railroad tracks is a misdemeanor punishable by a fine of not more than two hundred dollars (\$200), or a sentence of not more than thirty days.

S. 739 FEDERAL LAW ENFORCEMENT OFFICERS Sen. Bryan

The measure permits a federal law enforcement officer to enforce state criminal laws under certain circumstances. It also provides that he is subject to the Federal Tort Claims Act, and prohibits him from conducting an independent investigation into a violation of state law.

S. 776 COURT INTERPRETERS Sen. Lander

The proposed legislation specifies the types of hearings at which an interpreter for the deaf must be provided.

S. 777 RETIRED MAGISTRATES Sen. Washington

The bill authorizes a retired magistrate to be appointed temporarily as magistrate when needed.

S. 862 CHICORA-WACCAMAW AND PEE DEE INDIAN TRIBES Sen. Elliott

The measure recognizes the Chicora-Waccamaw and the Pee Dee Indian Tribes. It confers upon these tribes such rights and privileges as are provided by law to indian tribes. A similar measure with the Catawba Indian Tribe resulted in a \$12.5 million dollar settlement. This bill is similar to H. 4245, which is on the House calendar for second reading.

S. 929 MUNICIPAL BOUNDARIES Sen. McConnell

The bill provides that when a municipality annexes property in another municipality, their governing bodies may stipulate and adjust their boundaries by adopting a mutual ordinance after first holding a public hearing.

S. 943 FELONS RUNNING FOR JUDGESHIPS Sen. Waldrep

The measure calls for a referendum asking voters whether a person convicted of a felony, federal law, or election law offense should be prohibited from being elected as a judge until fifteen years after completion of his sentence.

S. 1013 ANIMALS AS PRIZES Sen. McConnell

Under the measure, live animals may not be given away as prizes, or inducements for entering a game, contest, or place of amusement. Violators would be guilty of a misdemeanor punishable for each separate offense by a fine not to exceed three hundred dollars (\$300), a sentence of not more than thirty days, or both. However, the bill would not affect the raffling of animals. A similar bill, H. 4651, is on the contested calendar in the House for second reading.

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S. 1047 VIOLENT CRIMES Sen. McConnell

The bill provides that the release of a person accused of a violent crime would constitute an unreasonable danger to the community.

S. 1049 PUBLIC SAFETY COORDINATING COUNCIL Sen. Rankin

The proposed legislation adds a member as a victim representative to the South Carolina Public Safety Coordinating Council. The additional member would be appointed by the governor for a term of four years.

S. 1050 "VICTIMS' BILL OF RIGHTS" Sen. McConnell

The measure provides for a referendum to amend the State Constitution to include a "Victims' Bill of Rights" concerning justice and due process. It authorizes victims to receive pertinent information concerning their cases. They would be allowed to be present and speak at proceedings, and would receive restitution from their perpetrators. The joint resolution also provides that bail may be denied to a person charged with a violent offense.

S. 1073 ELECTRICITY THEFT Sen. McGill

The bill increases the fine for a first offense of stealing electricity from one hundred (\$100) to five hundred dollars (\$500). It also adds a second or subsequent offense which would be a misdemeanor punishable by a fine of not more than ten thousand dollars (\$10,000), a sentence of not more than three years, or both.

S. 1100 MONITORING OF ELECTIONS Sen. Leventis

Under this measure, the Secretary of State would be required to monitor all elected or appointed state boards, commissions, and judicial offices. When vacancies occur, he would be required to publicize the openings. The bill also requires that a person not seeking re-election notify the joint committee to review candidates in writing at least thirty days prior to the last filing day for that office or position.

S. 1123 PURCHASE OF WEAPONS Sen. Reese

The bill provides that a resident of any state may purchase a rifle or shotgun in South Carolina.

S. 1125 VICTIM IMPACT STATEMENT Sen. Fair

The measure provides that a victim may be considered during sentencing or a disposition hearing in family court. The bill also requires that a copy of the statement be sent to the Board of Juvenile Parole.

S. 1147 VIDEO RENTALS Sen. Hayes

The bill provides that a merchant must send notice by certified mail to a person failing to return a rented video on time. After five days, a warrant may be issued for larceny.

S. 1198 COUNTY CODE ENFORCEMENT OFFICERS Sen. Alexander

This measure provides that county governing bodies may limit the scope of duties or geographic area assigned to county code enforcement officers.

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S. 1235 EXPUNGEMENT OF MINORS' RECORDS Sen. McConnell

The bill permits the expungement of offenses tried in family courts from a minor's records.

S. 1284 JUVENILE DETENTION Sen. Thomas

The proposed legislation authorizes placement of a child in a secure juvenile detention facility when no suitable alternative exists, or when it is deemed that placement is in the child's best interest or is necessary to protect either the child or the public. The bill also specifies the time frame for review, and expands the circumstances under which the Department of Juvenile Justice may fingerprint and photograph a juvenile. This measure, minus the fingerprint and photograph provision, is similar to H. 4657 which received second reading in the House last week.

S. 1298 VOTING MACHINES Sen. Holland

The bill provides that all vote recorder voting systems must produce and transmit an electronic file containing election results as prescribed by the State Election Commission.

S. 1306 NATURAL RESOURCE OFFICERS Sen. Giese

The measure expands the circumstances under which an officer of the Department of Natural Resources may issue an official summons. The measure also provides that the summons is considered a receipt for any fine deposited with the officer.

S. 1311 TEMPORARY MINI-BOTTLE LICENSES Sen. Elliott

The bill revises provisions for issuing a temporary retail liquor license. It also provides that a temporary license may not be granted to a business determined to be a public nuisance.

S. 1335 EMERGENCY MANAGEMENT ASSISTANCE COMPACT Sen. Drummond

The proposed legislation enacts the "Southern Regional Emergency Management Assistance Compact" to provide technical help and training between member states in managing emergencies or disasters declared by the governor of the affected state.

S. 1358 "UNIFORM UNCLAIMED PROPERTY ACT" Sen. Thomas

The measure provides that the Department of Revenue will administer provisions of the "Uniform Unclaimed Property Act" rather than the State Treasurer.

S. 1366 COMMERCIAL CARRIERS Sen. Holland

The bill provides that a carrier of household goods or hazardous waste for disposal who violates certification or registration requirements is guilty of a misdemeanor.

S. 1395 MUNICIPALITIES Sen. Courtney

The measure provides that municipalities which did not adopt one of four specified forms of government within fifteen months after December 31, 1977 are considered to have forfeited their articles of incorporation. These articles would not be reinstated until the municipalities certify to the Secretary of State which form of government has been adopted. This bill was recalled from the Judiciary Committee last week and placed on the House calendar for second reading.

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H. 4986 LEGAL NOTICES Rep. Fleming

Under this bill, legal notices could be accomplished by radio or television broadcast, as well as by print publication.

H. 4989 DRIVER'S LICENSE SUSPENSION/REVOCATION Rep. Fleming

The bill provides that an out-of-state conviction which in South Carolina would result in suspension or revocation of a person's driver's license, must be reported to and received by the Department of Safety within two years of the conviction. If notice arrives after that date, it would not be cause for suspension or revocation of the license.

LABOR, COMMERCE, AND INDUSTRY

S. 480 HEALTH INSURANCE COVERAGE FOR LICENSED SERVICES Sen. Courtney

This bill would require all health insurance policies to include licensed master social workers, licensed independent social workers, licensed marriage and family therapists, licensed professional counselors, or psychiatric clinical nurse specialists as qualified providers.

S. 1305 ESSENTIAL INSURANCE FOR COASTAL PROPERTY Sen. McConnell

This bill allows an insurer to file and use, without going through the lengthy pre-approval process, rates for wind coverage which are ninety percent (90%) or less than the rates charged by, and approved for, the Wind and Hail Association. Insurers would also be able to adjust rates according to such factors as use of storm shutters, distance from water, elevation, etc.

MEDICAL, MILITARY, PUBLIC AND MILITARY AFFAIRS

S. 1248 BOARD OF BARBER EXAMINERS VARIANCES Sen. Bryan

This bill gives the State Board of Barber Examiners discretion in granting variances from regulations.

WAYS AND MEANS

No bills were assigned to this committee last week.

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FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," then typing "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page. Click on the "Quick-Find Guide" on the first page. On the next page, click on "Reports." This will list all of the Legislative Updates by week. Click on the week you need.

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